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Application No. 10/823,389
Filed: 4/13/04
TC Art Unit: 2877
Confirmation No.: 3371REMARKS

Please cancel claims 12-20 and 34-46 without prejudice to the filing of divisional or continuation applications.

Applicants' respectfully traverse the rejection of claims 21-33 and 57-60 under 35 U.S.C. 101. The undersigned notes that a method for obtaining an image of an object such as by use of a camera, is generally acknowledged to be subject matter that is eligible for patentability. Applicants assert that obtaining a phase image of an object also meets the same criteria. A comparison of the phase image and an intensity image obtained by a microscope of onion cells is shown in Figs. 65 and 66 (see pages 77-78 of the application). Applicants respectfully submit that obtaining such a phase image of an object is a tangible result. Alternatively, Applicants respectfully request clarification as to why an image of an object is a tangible result and the obtaining of a phase image is not.

Claim 57 has been amended to obviate the rejection under 35 U.S.C. 112, second paragraph. A description of this method is described on pages 62-69 of the application.

Claims 57-60 have also been rejected under 35 U.S.C. 102(e) as being anticipated by Thomas (2003/0227658). The cited reference relates to a method for holography and uses separated beams (e.g.

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Fig 19). However, this reference does not separate high and low frequency components directed along a common optical path in which one component is selectively phase shifted.

Claims 38-50 of U.S. Application No. 10/871,610 have been withdrawn from consideration and will be cancelled from the '610 application upon filing of a response due on November 30, 2007 to thereby obviate the double patenting rejection.

The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application. Reconsideration is respectfully requested.

Respectfully submitted,

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